

IN THE HIGH COURT OF JUDICATURE AT PATNA

Rajendra Prasad

vs

Uttar Bihar Gramin Bank & Ors.

Letters Patent Appeal No. 992 of 2019

In

(Civil Writ Jurisdiction Case No. 13312 of 2014)

20 November, 2024

(Hon'ble Mr. Justice P. B. Bajanthri and Hon'ble Mr. Justice S. B. Pd. Singh)

Issues for Consideration

- Whether an employee who fails to participate in a departmental inquiry can later claim violation of natural justice?
- Whether the disciplinary action taken by the Bank in the absence of participation by the delinquent officer stands valid in law?

Headnotes

If an employee failed to avail the opportunity of participating in the departmental inquiry proceedings, thereafter, he cannot turn around and say that there is violation of principles of natural justice. - Principles of natural justice would not spring into action having regard to the conduct of the litigant. - If a party after having proper notice chose not to appear, he at later stage cannot be permitted to say that he had not been given a fair opportunity of hearing. (Para 3)

Petition is allowed. (Para 4)

Case Law Cited

Board of Directors, HPTC v. K.C. Rahi, (2008) 11 SCC 502

Bank of India v. Apurba Kumar Saha, (1994) 2 SCC 615

N.K. Prasada v. Government of India, (2004) 6 SCC 299

List of Acts

Not specifically cited in the judgment

List of Keywords

Disciplinary proceedings; Natural justice; Departmental inquiry; Non-participation; Dismissal; Parallel proceedings; Fraud and embezzlement; Inquiry officer; Service law; LPA dismissal

Case Arising From

CWJC No. 13312 of 2014

Appearance of Parties

For the Appellant: Mr. Rohit Kumar, Advocate

For the Respondents (Bank): Mr. Prabhakar Jha, Mr. Amitesh Jha, Advocates

Headnotes prepared by: Amit Kumar Mallick, adv.

Judgment/Order of the Hon'ble Patna High Court

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.992 of 2019
In
Civil Writ Jurisdiction Case No.13312 of 2014

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Rajendra Prasad S/o Late Dhanushdhari Mahto, Resident of village - Sirsiya,
P.S. - Tajpur Bangra, District - Samastipur.

... .. Appellant.

Versus

1. The Chairman Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar- 842001.
2. The General Manager, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar- 842001.
3. The Regional Manager, Uttar Bihar Gramin Bank, Madhubani.
4. The Branch Manager, Uttar Bihar Gramin Bank, Hirni Branch, Darbhanga, Bihar.

... .. Respondents.

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Appearance :
For the Appellant : Mr. Rohit Kumar, Advocate.
For the Bank : Mr. Prabhakar Jha, Advocate.
Mr. Amitesh Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 20-11-2024

The appellant has assailed the order of the learned
Single Judge dated 16.07.2019 passed in C.W.J.C. No.13312 of
2014.

2. The appellant while working as Officer Scale-I is
alleged to have played fraud and embezzlement in the Satellite
Branch. Resultantly, he was subjected to parallel proceedings
like disciplinary and criminal proceedings. In the disciplinary
proceedings, appellant failed to participate on each and every



date. Hardly, he had appeared on two dates, namely, on 15.09.2012 and 27.12.2012. It seems that he was evading arrest. In that connection, he has failed to appear before the inquiring officer. Having regard to the conduct of the appellant, which has been recorded by the learned Single Judge read with the decision of the Hon'ble Supreme Court cited, namely, Board of Directors, Himachal Pradesh Transport Corporation & another vs. K.C. Rahi reported in (2008) 11 SCC 502, the appellant failed to avail opportunity of participating in the disciplinary proceedings.

3. If an employee failed to avail the opportunity of participating in the departmental inquiry proceedings, thereafter, he cannot turn around and say that there is violation of principles of natural justice. In this regard, the Hon'ble Supreme Court in the case of **Bank of India Versus Apurba Kumar Saha** reported in (1994) 2 Supreme Court Cases 615 held that principles of natural justice would not spring into action having regard to the conduct of the litigant. In yet another decision viz., **N.K. Prasada Versus Government of India and others**, (2004) 6 Supreme Court Cases 299, it is held that if a party after having proper notice chose not to appear, he at later stage cannot be permitted to say that he had not been given a



fair opportunity of hearing. Thus, the appellant has not made out a case so as to interfere with the order of the learned Single Judge dated 16.07.2019 passed in C.W.J.C. No.13312 of 2014.

4. Accordingly, the present L.P.A. stands dismissed.

5. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	AFR
CAV DATE	NA
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